

ORDINANCE No. _____, SERIES 2009

AN ORDINANCE CHANGING THE ZONING FROM OR-3 OFFICE RESIDENTIAL AND C-1 COMMERCIAL TO C-2 COMMERCIAL ON PROPERTY LOCATED AT 13700 OLD HENRY FARM COURT, CONTAINING A TOTAL OF 2.1 ACRES, AND BEING IN LOUISVILLE METRO (CASE No. 11883) (AS AMENDED).

SPONSORED BY: COUNCILMAN TOM OWEN

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 11883; and,

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 11883 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records, with the following amended binding element and additional binding element;

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

Section I: That the property located at 13700 Old Henry Farm Court, containing a total of 2.1 acres, and being in Louisville Metro, and being in Louisville Metro, more particularly described in the minutes and records of the Planning Commission in Case No. 11883 is hereby changed from OR-3 Office Residential and C-1 Commercial to C-2 Commercial, as more particularly specified in the minutes and records of the Planning Commission, provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 11883, and the following amended binding element and additional binding element:

17. ~~No dumpsters shall be located immediately adjacent to the rights-of-way of the Gene Snyder Freeway and Old Henry Road.~~ The exact location of the dumpsters shall

be determined at the time of review and approval of the Detailed District Development Plan for each lot. Dumpsters shall not be located immediately adjacent to the property perimeter or rights-of-way or parkway perimeter buffer associated with Old Henry Road unless: (a) enclosed with the same building materials as used for the main structure or by an extension of the building façade; and (b) the access gates are oriented to the interior of the development site.

21. The applicant shall comply with the parkway buffer standards along Old Henry Road and shall work with the Division of Planning and Design Services staff to enhance the landscaping within the buffer in a manner similar to landscaping being provided within the Old Henry Road parkway buffer area on the 4-acre site immediately to the south as shown on the RDDDP/Waiver plan dated May 18, 2009 in Case No. 9419 so as to provide a coordinated buffer for both sites along Old Henry Road. Any change to the language of this binding element shall require the approval of the Metro Council.

Section II: This Ordinance shall take effect upon passage and approval.

Kathleen J. Herron
Metro Council Clerk

David W. Tandy
President of the Council

Jerry Abramson
Mayor

Approved: _____
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____